

## CHAPTER 606

### Beverage Container Litter Control

EDITOR'S NOTE: Unless otherwise indicated, this chapter was enacted on October 3, 1977, and amended on December 5, 1977, and February 21, 1978.

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#### CROSS REFERENCES

Litter control - see Code of Va. ' 10.1-1414 et seq.

Throwing or depositing injurious or hazardous materials upon highways - see TRAF. 442.01

#### 606.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Loudoun County Beverage Container Litter Control Ordinance."

#### 606.02 PURPOSE.

The purpose of this chapter is to promote the public health, safety and welfare by offering monetary incentive to the general public, including the consumers of certain beverages, not to litter, or leave littered, public highways and other public places in the County with the containers in which such beverages are sold.

#### 606.03 DEFINITIONS.

As used in this chapter:

- (a) "Beverage" means beer or other malt beverages, carbonated mineral waters, carbonated soda water, fruit flavored drinks or other carbonated soft drinks of any variety, in liquid form and intended for human consumption.
- (b) "Beverage container" means the individual, separate, airtight bottle, can or other similar vessel made of glass, metal, plastic or any combination thereof containing a beverage and of a capacity of less than twenty-eight ounces liquid measure.
- (c) "County" means the County of Loudoun, Virginia.
- (d) "Dealer" means a person engaged in the commercial sale of beverages in beverage containers at the retail level.
- (e) "Distributor" means any person, including any manufacturer, engaged in the commercial sale of beverages in beverage containers to one or more dealers.
- (f) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.
- (g) "Person" means any individual, firm, partnership, association, corporation, company, organization or entity of any kind.
- (h) "Refillable beverage container" means a beverage container which is returned for refill with a beverage and resale in the normal course of business.

**606.04 REFUND VALUE REQUIRED.**

Every beverage container in which beverages are sold or offered for sale in the County by a dealer or distributor shall have a cash refund value of not less than five cents (5¢), provided that no refillable beverage container shall be required by this chapter to have such cash refund value, nor shall any beverage container be required by this chapter to have such cash refund value so long as the State or any board or commission of the State requires that a minimum deposit charge be paid to either the wholesaler, i.e. the distributor, or the retailer in connection with the sale by such wholesaler or retailer of any such beverage container.

**606.05 ACCEPTANCE FOR REFUND.**

(a) A dealer shall accept from any person, except another dealer, a distributor or a manufacturer, any empty beverage container on which a cash refund value is required by this chapter, provided that such container is of a kind, size and brand of beverage sold by the dealer at the time of, or which had been sold by such dealer within thirty days of, the offer by such person to return such beverage container. No dealer shall refuse to pay in cash to such person, upon the demand of such person, except as provided above, the refund value of such beverage container established pursuant to this chapter, provided that the place to which such person offers to return such beverage container is the normal point of sale of such beverage container by such dealer.

(b) No distributor shall refuse to accept from a dealer, to whom such distributor normally distributes, any empty beverage container on which a cash refund value is required by this chapter, provided that such container is of a kind, size and brand of beverage sold by the distributor at the time of, or which had been sold by such distributor within thirty days of, the offer by such dealer to return such beverage container, nor shall such distributor refuse to pay in cash to the dealer at the demand of such dealer, except as provided above, the refund value of such beverage container established pursuant to this chapter, provided that such containers are made available for pick-up by the distributor at the normal point of delivery by such distributor to such dealer or at any other place reasonably convenient to such distributor.

**606.06 BEVERAGE CONTAINER MARKINGS.**

No distributor or dealer shall sell or offer for sale in the County, after the effective date of this chapter (Ordinance enacted October 3, 1977), a beverage in any beverage container on which a cash refund value is required by this chapter that does not clearly indicate thereon, in a securely affixed manner, markings to the effect that: (a) The beverage container is to be sold within the County; and

(b) The beverage container is requested to be returned for a refund of deposit.

**606.07 EXCEPTION.**

The provisions of this chapter shall not apply to sales by a distributor in connection with commercial in-flight services at Dulles International Airport where no resale at retail is involved.

**606.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)